

# HOUSE BILL No. 1147

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-11-14.

**Synopsis:** Local control of consumer fireworks. Authorizes a county, city, or town to adopt an ordinance limiting or prohibiting the sale or use of consumer fireworks within the jurisdiction of the county, city, or town, with certain restrictions.

**Effective:** July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1147

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-11-14-10.5, AS ADDED BY P.L.177-2007,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 10.5. (a) As used in this section, the term "use"  
4 means the ability of a county or municipality to regulate the days and  
5 hours when consumer fireworks may be used, ignited, or discharged.  
6 (b) Notwithstanding any other provision of this chapter:  
7 (1) a county may adopt an ordinance concerning the use of  
8 consumer fireworks in the unincorporated areas of the county; and  
9 (2) a municipality may adopt an ordinance concerning the use of  
10 consumer fireworks within the corporate limits of the  
11 municipality.  
12 (c) An ordinance adopted under this section:  
13 (1) may limit the use of consumer fireworks in the county or  
14 municipality;  
15 (2) may not be more lenient than a rule adopted by a state agency  
16 concerning the use of fireworks; and  
17 (3) may not limit the use of consumer fireworks:

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(A) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

**(d) This section expires January 1, 2010.**

SECTION 2. IC 22-11-14-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10.7. (a) This section is effective January 2, 2010.**

**(b) As used in this section, the term "use" means the ability to regulate the days and hours when consumer fireworks may be used, ignited, or discharged.**

**(c) Notwithstanding any other provision of this chapter:**

**(1) a county may adopt an ordinance concerning the sale or use, or both, of consumer fireworks in the unincorporated areas of the county; and**

**(2) a municipality may adopt an ordinance concerning the sale or use, or both, of consumer fireworks within the corporate limits of the municipality.**

**(d) An ordinance adopted under this section:**

**(1) may limit or prohibit the:**

**(A) sale; or**

**(B) use;**

**of consumer fireworks in the county or municipality; and**

**(2) may not be more lenient, but may be more stringent, than:**

**(A) a statute or rule adopted by a state agency concerning the:**

**(i) sale; or**

**(ii) use;**

**of consumer fireworks; or**

**(B) a federal law or rule adopted by a federal agency concerning the:**

**(i) sale; or**

**(ii) use;**

**of consumer fireworks.**

**(e) An ordinance adopted under this section may not limit or prohibit:**

**(1) the possession, sale, or use, or any combination of the possession, sale, or use, of items listed in section 8(a) of this**

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- 1 chapter; or
- 2 (2) a supervised public display of fireworks for which a
- 3 permit has been granted by the fire prevention and building
- 4 safety commission under section 2 of this chapter.

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